

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 60th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By Chairman Diane Rice, on January 24, 2007 at 8:00 A.M., in Room 137 Capitol.

ROLL CALL

Members Present:

Rep. Diane Rice, Chairman (R)
Rep. Dave Gallik, Vice Chairman (D)
Rep. Ron Stoker, Vice Chairman (R)
Rep. Douglas Cordier (D)
Rep. Robyn Driscoll (D)
Rep. Bob Ebinger (D)
Rep. George Everett (R)
Rep. Julie French (D)
Rep. Rick Jore (C)
Rep. Krayton Kerns (R)
Rep. Roger Koopman (R)
Rep. Deborah Kottel (D)
Rep. Tom McGillvray (R)
Rep. Jesse O'Hara (R)
Rep. Ken Peterson (R)
Rep. Holly Raser (D)
Rep. John Ward (R)

Members Excused: None.

Members Absent: None.

Staff Present: David Niss, Legislative Branch
Pam Schindler, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 287, HB 341, HB 349, HB 384,
1/17/2007
Executive Action: HB 53, HB 83, HB 91

HEARING ON HB 287

Opening Statement by Sponsor:

00:01:46 Rep. Brady Wiseman (D), HD 65, opened the hearing on HB 287, Deny implementation of real ID act.

[EXHIBIT\(juh16a01\)](#)

[EXHIBIT\(juh16a02\)](#)

Proponents' Testimony:

00:08:44 Hal Harper, representing Governor, Brian Schweitzer, State of Montana

00:11:50 Clinton Cain, self

[EXHIBIT\(juh16a03\)](#)

[EXHIBIT\(juh16a04\)](#)

00:15:43 James Harrison, Attorney, Identity Project

00:19:40 Bill Scannal, Communications Director, Identity Project, unrealid.com

00:24:44 Cathy Day, Public Policy Director, ACLU, Montana

[EXHIBIT\(juh16a05\)](#)

00:27:09 Doug Nulle, Attorney

00:27:38 Lois Fitzpatrick, Montana Library Association

[EXHIBIT\(juh16a06\)](#)

00:29:57 Stan Jones, self

00:36:45 Sean O'Farrell, self

00:39:45 Mike Fellows, Montana Libertarian Party

00:40:51 William Clausen, self

00:43:10 Don Judge, Teamsters Local #190

00:44:25 Kelsen Young, Montana Coalition Against Domestic and Sexual Violence

00:45:33 Don Doig, self

00:46:49 Tom Doubert, self

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:48:29 Rep. Ward

00:48:44 Mr. Harrison

00:51:52 Rep. Stoker

00:51:57 Mr. Harrison

00:54:56 Rep. Koopman

00:55:02 Mr. Scannal

Closing by Sponsor:

01:01:06 Rep. Wiseman

HEARING ON HB 384

Opening Statement by Sponsor:

01:03:23 Rep. Diane Rice (R), HD 71, opened the hearing on HB 384, Nullify real identification law.

[EXHIBIT\(juh16a07\)](#)

[EXHIBIT\(juh16a08\)](#)

[EXHIBIT\(juh16a09\)](#)

[EXHIBIT\(juh16a10\)](#)

[EXHIBIT\(juh16a11\)](#)

Proponents' Testimony:

01:08:27 David D. Anderson, self, Vice-Chairman, Constitution Party of Yellowstone County

[EXHIBIT\(juh16a12\)](#)

01:12:47 Phil Olson, self

[EXHIBIT\(juh16a13\)](#)

01:16:49 James Harrison

01:19:33 Lois Fitzpatrick, Montana Library Association

01:19:58 Clinton Cain

01:21:56 Gary Marbut, Montana Shooting Sports Association

[EXHIBIT\(juh16a14\)](#)

01:23:55 Franklin Shook, Jefferson River Coalition

01:28:07 Tom Doubert, self

01:29:16__Bill Scannel, Communications Director, Identity Project, [unrealid.com](#)

01:31:05__James Harrison, Attorney, Identity Project

01:31:58 Doug Nulle, Attorney

01:35:54 Robert Hollwell, self

01:37:22 Jay McKean, self

01:38:50 Rein Geilstrom, self

01:42:00 Mike Fellows, Montana Libertarian Party

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

01:42:59 Rep. Gallik

01:43:57 Rep. Rice

01:44:55 Rep. Kottel
01:45:30 Rep. Rice
01:45:51 Rep. Jore
01:47:07 Rep. Rice

Closing by Sponsor:

01:47:38 Rep. Rice

01:53:55 Break
02:11:49 Reconvene

HEARING ON HB 341

Opening Statement by Sponsor:

02:11:58 Rep. Dave Gallik (D), HD 79, opened the hearing on HB 341, Revise jury pool laws.

[EXHIBIT\(juh16a15\)](#)

Proponents' Testimony:

02:16:20 Elaine Graveley, Deputy Chief, Elections Bureau,
Secretary of State of Montana
02:19:25 Shirley Faust, Missoula Clerk of District Court,
Montana Association of Clerks of District Court

[EXHIBIT\(juh16a16\)](#)

[EXHIBIT\(juh16a17\)](#)

02:27:02 Brenda Nordlund, Assistant Attorney General, Department
of Justice
02:28:36 Robert Throssell, Montana Association of Clerks and
Recorders
02:29:27 Mary Phippen, Montana Association of Clerks of District
Court

[EXHIBIT\(juh16a18\)](#)

02:30:06 Andrea Olsen, Montana Trial Lawyers Association
02:30:43 Sheryl Wood, Associate Director, Montana Association of
Counties

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

02:31:24 Rep. Koopman
02:32:14 Rep. Gallik
02:34:58 Ms. Graveley
02:36:42 Ms. Faust

02:37:27 Rep. Peterson
02:37:56 Rep. Gallik
02:40:30 Ms. Faust

Closing by Sponsor:

02:41:48 Rep. Gallik

HEARING ON HB 349

Opening Statement by Sponsor:

02:42:54 Rep. Jim Keane (D), HD 75, opened the hearing on HB 349, Statutorily restrict bill draft requests.

Proponents' Testimony: None

Opponents' Testimony: None

Informational Testimony:

02:45:37 Susan Fox, Executive Director, Legislative Services Division

Questions from Committee Members and Responses:

02:45:59 Rep. Everett
02:46:13 Ms. Fox
02:48:15 Rep. McGillvray
02:48:35 Ms. Fox
02:49:21 Rep. Ward
02:49:52 Ms. Fox
02:49:58 Rep. Kottel
02:50:37 Ms. Fox
02:51:40 Rep. Driscoll
02:51:48 Ms. Fox
02:52:07 Rep. Raser
02:52:25 Ms. Fox
02:52:42 Mr. Niss
02:54:22 Ms. Fox
02:55:24 Rep. Ward
02:56:57 Rep. Keane
02:58:56 Rep. Peterson
02:59:54 Rep. Keane
03:00:42 Rep. Gallik
03:02:16 Rep. Keane

Closing by Sponsor:

03:03:42 Rep. Keane

EXECUTIVE ACTION ON HB 53

03:05:49 **Motion:** Rep. Stoker moved that HB 53 DO PASS.

Discussion:

03:05:52 Rep. Peterson

03:09:44 **Motion/Vote:** Rep. Kottel moved that HB 53 BE AMENDED.
Motion carried unanimously by voice vote.

03:13:41 **Motion/Vote:** Rep. Stoker moved that HB 53 DO PASS AS
AMENDED. Motion carried 9-8 by roll call vote with
Reps. Everett, Jore, Kerns, Koopman, O'Hara,
Peterson, Rice, and Stoker voting no.

EXECUTIVE ACTION ON HB 83

03:43:35 **Motion:** Rep. Stoker moved that HB 83 DO PASS.

03:44:33 **Motion:** Rep. Peterson moved that HB 83 BE AMENDED.
[EXHIBIT\(juh16a19\)](#)

Discussion:

03:44:43 Rep. Peterson

03:47:13 **Vote:** Motion that HB 83 BE AMENDED carried unanimously
by voice vote.

03:47:23 **Motion/Vote:** Rep. Stoker moved that HB 83 DO PASS AS
AMENDED. Motion carried unanimously by roll call vote.

EXECUTIVE ACTION ON HB 91

03:49:51 **Motion:** Rep. Stoker moved that HB 91 DO PASS.

03:50:52 **Motion:** Rep. Kottel moved that HB 91 BE AMENDED.
[EXHIBIT\(juh16a20\)](#)

Discussion:

03:51:19 Rep. Kottel

03:53:36 **Vote:** Motion that HB 91 BE AMENDED carried 16-1 by
voice vote with Rep. Peterson voting no.

03:54:03 **Motion:** Rep. Stoker moved that **HB 91 DO PASS AS AMENDED.**

Discussion:

03:54:10 **Motion:** Rep. Kottel moved that **HB 91 BE AMENDED. EXHIBIT(juh16a21)**

Discussion:

03:54:16 Rep. Kottel
EXHIBIT(juh16a22)

04:07:37 **Substitute Motion:** Rep. Gallik made a **SUBSTITUTE MOTION TO SEGREGATE** Section 2 from Sections 1 and 3; also to clarify "Clergy" with a Conceptual Amendment.

(Rep. Driscoll left the room)

Discussion:

04:21:42 **Vote:** Motion that **HB 91 BE AMENDED** with Section 2 from 1 and 3; and to clarify "Clergy," carried 16-1 by voice vote with Rep. Peterson voting no. (Rep. Driscoll voted by proxy.)

04:22:04 **Motion:** Rep. Stoker moved that **HB 91 DO PASS AS AMENDED** with Segregated Section 2.

Discussion:

04:22:37 **Motion:** Rep. Kottel moved that **HB 91 BE AMENDED WITH** Segregated Sections 1 and 3.

Discussion:

04:22:49 Rep. Kottel

04:25:38 **Vote:** Motion that **HB 91 BE AMENDED** with Segregated Sections 1 and 3 carried 12-5 by voice vote with Reps. Jore, Koopman, McGillvray, Peterson, and Rice voting no. (Rep. Driscoll voted by proxy.)

04:26:10 **Motion/Vote:** Rep. Stoker moved that **HB 91 DO PASS AS AMENDED**. Motion carried 9-8 by roll call vote with Reps. Everett, Jore, Kerns, Koopman, McGillvray, Peterson, Rice, and Ward voting no. (Rep. Driscoll voted by proxy.)

04:31:55 Chairman Rice

Additional Exhibits:

EXHIBIT(juh16a23)

Submitted after meeting for HB 91

EXHIBIT(juh16a24)

Submitted after meeting for HB 287, HB 384

ADJOURNMENT

Adjournment: 12:32 P.M.

REP. DIANE RICE, Chairman

PAM SCHINDLER, Secretary

DR/ps

Additional Exhibits:

EXHIBIT ([juh16aad.pdf](#))